

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCBURG DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal Action No. 6:03-cr-30073-13</b>
	)	<b>(§ 2255 Civil Action No. 6:08-cv-80116)</b>
	)	
<b>v.</b>	)	<b><u>FINAL ORDER</u></b>
	)	
	)	
<b>ROGER H. VIAR.</b>	)	<b>By: Norman K. Moon</b>
	)	<b>Senior United States District Judge</b>

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss (docket no. 689) is **GRANTED**, the above-referenced 28 U.S.C. § 2255 motion (docket no. 677) is **DISMISSED**, and this action is **STRICKEN** from the active docket of the court. It is further **ORDERED** that petitioner's motion for a hearing (docket no. 700) is **DENIED** and **STRICKEN** from the active docket of the court. And, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to counsel of record.

It is so **ORDERED**.

ENTER: This 15<sup>th</sup> day of July, 2010.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE